

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BENIGNO DIZON SANGALANG, et al.,
Plaintiffs,
v.
BANK OF AMERICA N.A., et al.,
Defendants.

Case No. [15-cv-04752-RS](#)

**ORDER GRANTING LEAVE TO FILE
AMENDED COMPLAINT AND
DENYING MOTIONS TO DISMISS
WITHOUT PREJUDICE**

On December 30, 2015, William F. Marini substituted into this action as attorney of record for the formerly *pro se* plaintiffs Benigno and Connie Sangalang. Dkt. No. 27. Five days later, plaintiffs sought leave to amend their complaint to refine the allegations contained therein and to correct clerical errors. Marini Decl. ¶ 4a. Defendants contend leave to amend is unwarranted because any amendment would be futile, and further maintain if leave is granted that plaintiffs should be barred from adding new claims.

The amendment of pleadings is governed by Rule 15 of the Federal Rules of Civil Procedure. Under that rule, when a party seeks leave to amend a pleading, “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Denial of a motion for leave to amend a pleading is proper only when “there is strong evidence of undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, or futility of amendment, etc.” *Sonoma Cnty. Ass’n of Retired Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117 (9th Cir. 2013) (internal quotation marks and alterations omitted).

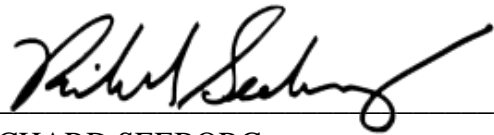
Here, in light of Rule 15’s permissive standard and plaintiffs’ former *pro se* status, leave to amend is proper. Plaintiffs therefore shall file an amended complaint within twenty (20) days of

1 the date of this order. Defendants reserve the right to respond by way of motion or answer as
2 provided by Rule 12. The pending motions to dismiss filed by defendants accordingly are denied
3 without prejudice.¹

4 The Case Management Conference previously set for February 25, 2016, is continued to
5 March 17, 2016, at 11:00 a.m. All parties shall appear telephonically and must contact Court
6 Conference at (866) 582-6878 at least one week prior to the Conference to arrange their
7 participation.

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9 **IT IS SO ORDERED.**

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11 Dated: January 7, 2016



RICHARD SEEBORG
United States District Judge

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27 ¹ The hearings set for January 21st and 28th will be vacated.